



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 27 2016

REPLY TO THE ATTENTION OF:

WC-15J

**CERTIFIED MAIL 7009 1680 0000 7646 0071**  
**RETURN RECEIPT REQUESTED**

Mr. Mark Van Asten  
Neighborhood Dairy, LLC.  
W926 Van Asten Road  
Kaukauna, Wisconsin 54130

Subject: Notice of Violations of Administrative Order on Consent for Compliance  
Pursuant to 33 U.S.C. §§ 1318 and 1319(a)  
Docket No. V-W-16-AO-06

Dear Mr. Van Asten:

As you know, the U.S. Environmental Protection Agency and Neighborhood Dairy, LLC. entered into an Administrative Order on Consent (Agreement) to mitigate potential violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311, that EPA discovered at the Neighborhood Dairy facility in Kaukauna, Wisconsin. The Agreement was signed by EPA and became effective on June 27<sup>th</sup> 2016.

As of the date of this letter, there are several outstanding requirements and deficiencies which must be corrected immediately.

On May 1, 2016, Neighborhood Dairy submitted via email a Compliance Plan entitled "Plan of Action Total Contain". This document failed to include several items required by paragraphs 46 and 48 of the Agreement. These include:

- 1) Identification of major actions about which Neighborhood will notify EPA upon completion.
- 2) A Compliance Schedule not to exceed 270 days from the effective date of the Agreement.
- 3) A provision for updating Neighborhood Dairy's Nutrient Management Plan to reflect changes made to comply with the Agreement.

Additionally, paragraph 50 of the Agreement requires Neighborhood Dairy to, within thirty (30) calendar days after the effective date of the Agreement, submit to EPA written documentation (e.g., as-built, photographs, affidavits, etc.) concerning the interim measures implemented

according to the Agreement, showing that Neighborhood Dairy completed installation of the interim measures. EPA has not received this documentation.


When submitting the above documents, please include the following certification as required by paragraph 57 of the Agreement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fines and imprisonment for knowing violations.

Finally, please be sure that the requirements of paragraphs 51 and 52 of the agreement regarding discharge minimization and notification of discharges are being followed. These requirements include that Neighborhood Dairy monitor for and report any discharges that do occur. It is also required that Neighborhood Dairy post at the facility a summary of procedures to effectively respond to any spill or discharge to waters of the United States, and ensure that all employees are aware of and follow those procedures. Neighborhood Dairy needs to provide evidence that the notice is posted (e.g., a picture of the posted notice and a copy of the procedures) and a description of the training that you provided.

If you have any questions or concerns, please contact Ben Atkinson, at (312) 353-8243 or at [atkinson.ben@epa.gov](mailto:atkinson.ben@epa.gov). Your legal counsel may contact Leonardo Chingcuanco, Office of Regional Counsel, at (312) 886-7236 or at [chingcuanco.leonardo@epa.gov](mailto:chingcuanco.leonardo@epa.gov).

Sincerely,



Tinka G. Hyde  
Director, Water Division

Enclosure

cc: Mary Anne Lowndes, Wisconsin Department of Natural Resources  
Ben Uvaas, Wisconsin Department of Natural Resources